



General Assembly

January Session, 2017

***Raised Bill No. 7309***

LCO No. 5671



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING HUMAN TRAFFICKING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-170 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) There is established a Trafficking in Persons Council that shall be  
4 within the Commission on Women, Children and Seniors for  
5 administrative purposes only.

6 (b) The council shall consist of the following members: (1) The Chief  
7 State's Attorney, or a designee; (2) the Chief Public Defender, or a  
8 designee; (3) the Commissioner of Emergency Services and Public  
9 Protection, or the commissioner's designee; (4) the Labor  
10 Commissioner, or the commissioner's designee; (5) the Commissioner  
11 of Social Services, or the commissioner's designee; (6) the  
12 Commissioner of Public Health, or the commissioner's designee; (7) the  
13 Commissioner of Mental Health and Addiction Services, or the  
14 commissioner's designee; (8) the Commissioner of Children and  
15 Families, or the commissioner's designee; (9) the Commissioner of

16 Consumer Protection, or the commissioner's designee; (10) the director  
17 of the Basic Training Division of the Police Officer Standards and  
18 Training Council, or the director's designee; (11) the Child Advocate,  
19 or the Child Advocate's designee; (12) the Victim Advocate, or the  
20 Victim Advocate's designee; (13) the chairperson of the Commission  
21 on Women, Children and Seniors or the chairperson's designee; (14)  
22 one representative of the Office of Victim Services of the Judicial  
23 Branch appointed by the Chief Court Administrator; (15) a municipal  
24 police chief appointed by the Connecticut Police Chiefs Association, or  
25 a designee; (16) the Commissioner of Education, or the commissioner's  
26 designee; and [(16)] (17) ten public members appointed as follows: The  
27 Governor shall appoint two members, one of whom shall represent  
28 victims of commercial exploitation of children and one of whom shall  
29 represent sex trafficking victims who are children, the president pro  
30 tempore of the Senate shall appoint two members, one of whom shall  
31 represent the Connecticut Alliance to End Sexual Violence and one of  
32 whom shall represent an organization that provides civil legal services  
33 to low-income individuals, the speaker of the House of  
34 Representatives shall appoint two members, one of whom shall  
35 represent the Connecticut Coalition Against Domestic Violence and  
36 one of whom shall represent the Connecticut Lodging Association, the  
37 majority leader of the Senate shall appoint one member who shall  
38 represent an organization that deals with behavioral health needs of  
39 women and children, the majority leader of the House of  
40 Representatives shall appoint one member who shall represent an  
41 organization that advocates on social justice and human rights issues,  
42 the minority leader of the Senate shall appoint one member who shall  
43 represent the Connecticut Immigrant and Refugee Coalition, and the  
44 minority leader of the House of Representatives shall appoint one  
45 member who shall represent the Motor Transport Association of  
46 Connecticut, Inc.

47 (c) The chairperson of the Commission on Women, Children and  
48 Seniors, or a designee, shall serve as chairperson of the council. The

49 members of the council shall serve without compensation but shall be  
50 reimbursed for necessary expenses incurred in the performance of  
51 their duties.

52 (d) The council shall: (1) Hold meetings to provide updates and  
53 progress reports, (2) coordinate the collection, analysis and  
54 dissemination of data regarding human trafficking, and (3) consult  
55 with governmental and nongovernmental organizations in developing  
56 recommendations to strengthen state and local efforts to prevent  
57 trafficking, protect and assist victims of trafficking and prosecute  
58 traffickers. The council shall meet at least three times per year.

59 (e) The council may request data and other information from state  
60 and local agencies to carry out its duties under this section.

61 (f) (1) The council shall:

62 (A) Develop a list of key indicators that a person is a victim of  
63 trafficking;

64 (B) Develop a standardized curriculum for training doctors, nurses,  
65 pharmacists, pharmacy technicians, emergency medical services  
66 personnel, teachers, school counselors, school administrators and  
67 personnel from the Department of Children and Families and the  
68 Department of Public Health to identify and assist victims of  
69 trafficking;

70 (C) Develop and conduct training for personnel from the  
71 Departments of Children and Families and Public Health on methods  
72 for identifying children in foster care who may be at risk of becoming  
73 victims of trafficking;

74 (D) Develop a plan for mental health, support and substance abuse  
75 programs for individuals identified as victims of trafficking and those  
76 arrested for prostitution in violation of section 53a-82. The plan shall  
77 provide for (i) the diversion of victims of trafficking and prostitution

78 offenders into community-based treatment and support services,  
79 including, but not limited to, substance abuse recovery, housing,  
80 healthcare, job training, treatment and mental health support, and (ii)  
81 after the successful completion of the program, the dismissal of any  
82 related criminal charges against the accused.

83 (2) The council shall include such plan and any recommendations  
84 for legislation to implement the plan as part of any report submitted  
85 pursuant of subsection (h) of this section not later than January 1, 2018.

86 (g) The council shall examine the plight of victims of trafficking who  
87 are persons without legal immigration status. The council may  
88 recommend services that such persons could benefit from and  
89 legislation to provide such services as part of any report submitted  
90 pursuant to subsection (h) of this section.

91 [(f)] (h) Not later than January 1, 2008, and annually thereafter, the  
92 council shall submit a report of its activities, including any  
93 recommendations for legislation, to the General Assembly in  
94 accordance with section 11-4a.

95 [(g)] (i) For the purposes of this section, "trafficking" means all acts  
96 involved in the recruitment, abduction, transport, harboring, transfer,  
97 sale or receipt of persons, within national or across international  
98 borders, through force, coercion, fraud or deception, to place persons  
99 in situations of slavery or slavery-like conditions, forced labor or  
100 services, such as forced prostitution or sexual services, domestic  
101 servitude, bonded sweatshop labor or other debt bondage.

102 Sec. 2. Section 53a-192a of the general statutes is repealed and the  
103 following is substituted in lieu thereof (*Effective October 1, 2017*):

104 (a) A person is guilty of trafficking in persons when such person (1)  
105 compels or induces another person to engage in conduct involving  
106 sexual contact with one or more third persons, or provide labor or  
107 services that such person has a legal right to refrain from providing, by

108 means of (A) the use of force against such other person or a third  
109 person, or by the threat of use of force against such other person or a  
110 third person, (B) fraud, or (C) coercion, as provided in section 53a-192,  
111 [or] (2) compels or induces another person who is under eighteen years  
112 of age to engage in conduct involving sexual contact with one or more  
113 third persons that constitutes sexual contact for which such third  
114 person may be charged with a criminal offense, or (3) otherwise  
115 commits an act that constitutes sex trafficking. For the purposes of this  
116 subsection, "sexual contact" means any contact with the intimate parts  
117 of another person, and "sex trafficking" means sex trafficking as  
118 defined in 22 USC 7102, as amended from time to time.

119 (b) Trafficking in persons is a class [B] A felony.

120 Sec. 3. Section 53a-83 of the general statutes is repealed and the  
121 following is substituted in lieu thereof (*Effective October 1, 2017*):

122 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant  
123 to a prior understanding, [he] such person pays a fee to another person  
124 as compensation for such person or a third person having engaged in  
125 sexual conduct with [him] such person; [or] (2) [he] such person pays  
126 or agrees to pay a fee to another person pursuant to an understanding  
127 that in return [therefor] for such fee such other person or a third  
128 person will engage in sexual conduct with [him] such person; or (3)  
129 [he] such person solicits or requests another person to engage in sexual  
130 conduct with [him] such person in return for a fee.

131 (b) [Except as provided in subsection (c) of this section, patronizing]  
132 Patronizing a prostitute is a class A misdemeanor and any person  
133 found guilty shall be fined two thousand dollars.

134 [(c) Patronizing a prostitute is a class C felony if such other person  
135 (1) had not attained eighteen years of age, or (2) was the victim of  
136 conduct of another person that constitutes (A) trafficking in persons in  
137 violation of section 53a-192a, or (B) a criminal violation of 18 USC  
138 Chapter 77, as amended from time to time.]

139       Sec. 4 (NEW) (*Effective October 1, 2017*) (a) A person is guilty of  
140 commercial sexual abuse of a minor when: (1) Such person pays a fee  
141 to a minor or third person as compensation for a minor having  
142 engaged in sexual conduct with such person; (2) such person pays or  
143 agrees to pay a fee to a minor or a third person pursuant to an  
144 understanding that in return for such fee the minor will engage in  
145 sexual conduct with such person; or (3) such person solicits, offers or  
146 requests to engage in sexual conduct with a minor, or any other person  
147 that such person reasonably believes to be a minor, in return for a fee.

148       (b) Commercial sexual abuse of a minor is a class B felony and any  
149 person found guilty under this section shall be sentenced to a term of  
150 imprisonment of which nine months of the sentence imposed may not  
151 be suspended or reduced by the court and be fined five thousand  
152 dollars.

153       (c) For purposes of this section, "minor" means a person who has not  
154 attained eighteen years of age.

155       Sec. 5. Section 54-234a of the general statutes is repealed and the  
156 following is substituted in lieu thereof (*Effective October 1, 2017*):

157       (a) (1) The operator of any (A) farm that employs persons as  
158 laborers; (B) (i) business that engages in the impermissible operation of  
159 a business that permits persons who are not licensed pursuant to  
160 section 20-206b to engage in the practice of massage therapy, or (ii)  
161 massage parlor, as defined by the applicable municipal ordinance, that  
162 significantly impacts the safety of the surrounding area; (C) publicly or  
163 privately operated highway service plaza; [, any] (D) hotel, motel, inn  
164 or similar lodging; (E) public airport, as defined in section 15-74a; (F)  
165 acute care hospital emergency room; (G) urgent care facility; (H)  
166 station offering passenger rail service or passenger bus service; or (I)  
167 any business that sells or offers for sale materials or promotes  
168 performances intended for an adult-only audience; or (I) employment  
169 agency, as defined in section 31-129, that offers personnel services to

170 any operator described in this subdivision, and (2) each person who  
171 holds an on-premises consumption permit for the retail sale of  
172 alcoholic liquor pursuant to title 30, shall post the notice developed  
173 pursuant to subsection (b) of section 54-222 in plain view in a  
174 conspicuous location where [sales] labor and other services are  
175 provided or performed, tickets are sold and other transactions,  
176 including sales, are to be carried on.

177 (b) The provisions of subsection (a) of this section shall not apply to  
178 any person who holds an on-premises consumption permit for the  
179 retail sale of alcoholic liquor pursuant to title 30 that consists of only  
180 one or more of the following: (1) A caterer, [railroad,] boat, [airline,]  
181 military, charitable organization, special club, temporary liquor or  
182 temporary beer permit, or (2) a manufacturer permit for a farm winery,  
183 a manufacturer permit for beer, manufacturer permits for beer and  
184 brew pubs, or any other manufacturer permit issued under title 30.

185 (c) Any operator or person who fails to comply with the provisions  
186 of subsection (a) of this section shall be fined one hundred dollars for a  
187 first offense and two hundred fifty dollars for any subsequent offense,  
188 in addition to any proceedings for suspension or revocation of a  
189 license, permit or certificate that the appropriate authority may initiate  
190 under any other provision of law.

191 Sec. 6. (NEW) (*Effective October 1, 2016*) (a) The Commissioner of  
192 Children and Families, in consultation with the Commissioner of  
193 Emergency Services and Public Protection, shall develop an initial  
194 educational training program and refresher training program for the  
195 accurate and prompt identification and reporting of suspected human  
196 trafficking.

197 (b) The training program shall include a video presentation,  
198 developed and approved by said commissioners, that offers awareness  
199 of human trafficking issues and guidance to law enforcement  
200 personnel, judges of the Superior Court, prosecutors, public defenders

201 and other attorneys who represent criminal defendants, hospital  
202 emergency room staff and urgent care facility staff who have contact  
203 with patients and persons employed by a local or regional board of  
204 education or a constituent unit, as defined in section 10a-1 of the  
205 general statutes who have contact with students.

206 (c) Any person described in subsection (b) of this section shall  
207 complete the initial educational training program not later than July 1,  
208 2018, and shall complete the refresher training program annually  
209 thereafter, provided any person being employed as such a person,  
210 shall complete such initial educational training program not later than  
211 six months after beginning such employment or July 1, 2018,  
212 whichever is later.

213 Sec. 7. (*Effective from passage*) (a) The Commissioner of  
214 Administrative Services, in consultation with the Chief State's  
215 Attorney, the Attorney General, the Secretary of the Office of Policy  
216 and Management, the Commissioner of Emergency Services and  
217 Public Protection, the Labor Commissioner, the Commissioner of  
218 Social Services and the Commissioner of Children and Families shall  
219 examine the federal Executive Order 13627 Strengthening Protections  
220 Against Trafficking in Persons in Federal Contracts for the purpose of  
221 adapting and implementing similar provisions for contracts entered  
222 into by this state. The commissioner shall immediately implement any  
223 adapted provisions that may be implemented administratively.

224 (b) Not later than January 1, 2018, the commissioner shall report, in  
225 accordance with section 11-4a of the general statutes, to the General  
226 Assembly any recommendations for legislation necessary to carry out  
227 the provisions of subsection (a) of this section.

228 Sec. 8. (NEW) (*Effective October 1, 2017*) No operator of a hotel, motel  
229 or similar lodging may offer an hourly rate for any sleeping  
230 accommodation maintained by such hotel, motel or similar lodging.

231 Sec. 9. (NEW) (*Effective October 1, 2017*) No operator of a hotel, motel



232 or similar lodging may offer any sleeping accommodation maintained  
233 by such hotel, motel or similar lodging to any person without first  
234 establishing such person's identity by requiring such person to present  
235 such person's motor vehicle operator's license issued pursuant to  
236 section 14-36 of the general statutes, or any other valid form of  
237 identification issued by the federal government or a state or municipal  
238 government or an official passport, provided such identification  
239 includes a photograph.

240 Sec. 10. Section 53a-84 of the general statutes is repealed and the  
241 following is substituted in lieu thereof (*Effective October 1, 2017*):

242 (a) In any prosecution for prostitution in violation of section 53a-82  
243 or patronizing a prostitute in violation of section 53a-83, as amended  
244 by this act, [or 53a-83a,] the sex of the two parties or prospective  
245 parties to the sexual conduct engaged in, contemplated or solicited is  
246 immaterial, and it shall be no defense that: (1) Such persons were of the  
247 same sex; or (2) the person who received, agreed to receive or solicited  
248 a fee was a male and the person who paid or agreed or offered to pay  
249 such fee was a female.

250 (b) In any prosecution for patronizing a prostitute in violation of  
251 section 53a-83, as amended by this act, [or 53a-83a,] promoting  
252 prostitution in violation of section 53a-86, 53a-87 or 53a-88 or  
253 permitting prostitution in violation of section 53a-89, it shall be no  
254 defense that the person engaging or agreeing to engage in sexual  
255 conduct with another person in return for a fee could not be  
256 prosecuted for a violation of section 53a-82 on account of such person's  
257 age.

258 Sec. 11. Subsection (a) of section 54-36p of the general statutes is  
259 repealed and the following is substituted in lieu thereof (*Effective*  
260 *October 1, 2017*):

261 (a) The following property shall be subject to forfeiture to the state  
262 pursuant to subsection (b) of this section:

263 (1) All moneys used, or intended for use, in a violation of  
 264 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-  
 265 87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b,  
 266 53a-196c or 53a-196i;

267 (2) All property constituting the proceeds obtained, directly or  
 268 indirectly, from a violation of subdivision (3) of subsection (a) of  
 269 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-  
 270 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

271 (3) All property derived from the proceeds obtained, directly or  
 272 indirectly, from a violation of subdivision (3) of subsection (a) of  
 273 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-  
 274 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

275 (4) All property used or intended for use, in any manner or part, to  
 276 commit or facilitate the commission of a violation of subdivision (3) of  
 277 subsection (a) of section 53-21 or section 53a-83, as amended by this  
 278 act, [53a-83a,] 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-  
 279 192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

280 Sec. 12. Sections 53a-83a and 54-36m of the general statutes are  
 281 repealed. (*Effective October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46a-170
Sec. 2	<i>October 1, 2017</i>	53a-192a
Sec. 3	<i>October 1, 2017</i>	53a-83
Sec. 4	<i>October 1, 2017</i>	New section
Sec. 5	<i>October 1, 2017</i>	54-234a
Sec. 6	<i>October 1, 2016</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2017</i>	New section
Sec. 9	<i>October 1, 2017</i>	New section
Sec. 10	<i>October 1, 2017</i>	53a-84

Sec. 11	<i>October 1, 2017</i>	54-36p(a)
Sec. 12	<i>October 1, 2017</i>	Repealer section

***Statement of Purpose:***

To add the Commissioner of Education to the Trafficking in Persons Council, combat human trafficking through increased penalties, training and awareness and examine the federal Executive Order 13627 Strengthening Protections Against Trafficking in Persons in Federal Contracts for the purpose of implementing similar provisions for this state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*